

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DELOREAN LUCAS,
Petitioner,

vs

HAMILTON COUNTY
MUNICIPAL COURT,
Respondent.

Case No. 1:12-cv-138

Dlott, C.J.
Bowman, M.J.

ORDER

The undersigned has conducted an initial review of the record submitted in this habeas corpus case filed pursuant to 28 U.S.C. § 2241. It does not appear that either party has submitted the trial court's ruling (either by way of transcript or written entry) denying petitioner's motion to dismiss the indictment on the pending falsification charge that has been stayed by the Hamilton County Municipal Court in Case No. 11CRB27911. In addition, the Court has concerns as to whether petitioner satisfies the "in custody" requirement for habeas corpus jurisdiction based on the charge pending before the municipal court.

Therefore, respondent is hereby **ORDERED** to file within twenty (20) days of the date of this Order a supplemental return of writ addressing the jurisdictional issue and supplementing the record with all records containing the municipal court's ruling in Case No. 11CRB27911 on petitioner's motion to dismiss the indictment. Petitioner shall file any response to the respondent's supplemental return of writ within fifteen (15) days after the supplemental return of writ is filed with the Court.

IT IS SO ORDERED.

/s/ Stephanie K. Bowman
United States Magistrate Judge